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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. 09-0582 MHP
Plaintiff,)
v.) STIPULATION AND [PROPOSED]
JAMES GILBERT KELLEMS,) ORDER EXCLUDING TIME BETWEEN
Defendant.) JULY 27, 2009 AND AUGUST 17, 2009
FROM CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)

The defendant, James Gilbert Kellems, represented by Shawn Halbert, Assistant Federal Public Defender, and the government, represented by Cynthia M. Frey, Assistant United States Attorney, appeared before the Court on July 27, 2009 for a status hearing. Defendant requested a continuance of this matter until August 17, 2009. The matter was continued to August 17, 2009 for a change of plea.

The parties agreed that time be excluded under the Speedy Trial Act between July 27, 2009 and August 17, 2009 for purposes of continuity of and effective preparation of counsel, in

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
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1 order to provide defense counsel with adequate time to conduct additional necessary
2 investigation.

3 In addition, the defendant agrees to exclude for this period of time any time limits
4 applicable under 18 U.S.C. § 3161. The parties represent that granting the continuance, in order
5 to provide defense counsel with adequate time to conduct additional investigation, is necessary
6 for continuity of and effective preparation of counsel, taking into account the exercise of due
7 diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served
8 by granting such a continuance outweighed the best interests of the public and the defendant in a
9 speedy trial. 18 U.S.C. § 3161(h)(7)(A).

10
11 SO STIPULATED:

12 JOSEPH P. RUSSONIELLO
13 United States Attorney

14
15 DATED: July 29, 2009

16 /s/
17 CYNTHIA M. FREY
18 Assistant United States Attorney

19
20 DATED: July 29, 2009

21 /s/
22 SHAWN HALBERT
23 Attorney for JAMES GILBERT KELLEMS

1 Based upon the representation of counsel and for good cause shown, the Court finds that
2 failing to exclude the time between July 27, 2009 and August 17, 2009 would unreasonably deny
3 the defendant continuity of counsel and would deny counsel the reasonable time necessary for
4 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
5 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
6 between July 27, 2009 and August 17, 2009 from computation under the Speedy Trial Act
7 outweigh the best interests of the public and the defendant in a speedy trial.

8 Therefore, IT IS HEREBY ORDERED that the time between July 27, 2009 and August
9 17, 2009 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §
10 3161(h)(7)(A) and (B)(iv).

11 DATED: 7/30/2009

